



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: OMURA, Yoshiharu

SERIAL NO.: 10/038,278

ART UNIT: 3727

FILED: January 4, 2002

EXAMINER: SMALLEY, J.N.

TITLE: CAN HAVING A COVER WITH A STAY-ON TAB

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby certify that the attached correspondence comprising:

AMENDMENT "C"

is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

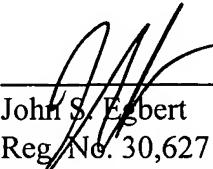
Commissioner of Patents and Trademarks

Washington, D.C. 20231

on 12-1-03

Date 12-1-03

Respectfully submitted,


John S. Egbert
Reg. No. 30,627
Attorney for Applicant
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(713)224-8080
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APPLICANT: OMURA, Yoshiharu

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3727



771,057

Practitioner's Docket No. _____

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: OMURA, Yoshiharu

Application No.: 10 / 038278 Group No.: 3727

Filed: Jan. 4, 2002

Examiner: Smalley, J. N.

For: CAN HAVING A COVER WITH A STAY-ON TAB

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Washington, D.C. 20231

INFORMATION FOR WITHDRAWAL OF ABANDONMENT—PTO HAS NO EVIDENCE THAT MAILED CORRESPONDENCE RECEIVED

NOTE: 37 C.F.R. § 1.8(b) states:

(b) In the event that correspondence is considered timely filed by being mailed . . . in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

- (1) Informs the Office of the previous mailing . . . of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
- (2) Supplies an additional copy of the previously mailed . . . correspondence and certificate; and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing . . .

(c) The Office may require additional evidence to determine if the correspondence was timely filed.

REQUEST

1. Applicant requests that the abandonment in this case be withdrawn.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

transmitted by facsimile to the Patent and Trademark Office, (703) _____

Signature

John S. Egbert

(type or print name of person certifying)

MAR 09 2004

Date: _____

PROMPTNESS OF THIS SUBMISSION

This information is being submitted promptly after applicant has learned of the abandonment on the basis of:

- the Notice of Abandonment mailed by the PTO on _____.
- applicant's own procedures in monitoring the progress of this case.

SUBMISSION

2. Submitted herewith is:

(check and complete each appropriate item below)

- A copy of the page of the response mailed on Dec. 1, 2003, showing a Certificate of Mailing executed on Dec. 1, 2003.
- A copy of the post card identifying the papers filed and showing the U.S. PTO receipt stamp dated Dec. 3, 2003.

NOTE: "A post card receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." § 504, M.P.E.P., 7th Edition.

- A copy of the complete response previously filed.
- A copy of the cancelled check(s) referring to the response identified above.
- A copy of the attorney's Deposit Account Statement, in which the item corresponding to the response referred to above is noted.

STATEMENT

3. Attached hereto is a statement attesting to the timely transmission of the correspondence referred to above based on:

- personal knowledge
- a showing believed to be satisfactory to the Commissioner

4. Please proceed with further examination of this application on the basis of:

- The original papers filed, which have now reached the appropriate area of the PTO.

AND/OR

- The attached copy of the papers originally filed.

REQUEST FOR WITHDRAWAL OF ABANDONMENT

5. Acknowledgement of the active status of this application is respectfully requested.



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MAR 16 2004

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Reg. No.: 30,627

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Customer No.: 24106

SIGNATURE OF PRACTITIONER

John S. Egbert

(type or print name of practitioner)

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